

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
MAY 13, 2020**

**CALL TO ORDER**      A meeting of the Flathead County Planning Board was called to order called to  
**6:02 PM**              order via teleconference through WebEx. Board members present were Dean  
Sirucek, Greg Stevens, Jeff Larsen, Mike Horn, Elliot Adams, and Kevin  
Lake. Sandra Nogal and Ron Schlegel had an excused absence. Jim  
Thompson had an unexcused absence. Erin Appert, Erik Mack, and Mark  
Mussman represented the Flathead County Planning & Zoning Office.

There were 10 members of the public on the line for the teleconference.

**APPROVAL OF**      Stevens made a motion, seconded by Sirucek, to approve the March 11, 2020  
**MEETING**              meeting minutes.  
**MINUTES**

**6:03 PM**              Motion passed unanimously on a roll call vote.

**PUBLIC**                  None  
**COMMENT**

*(Public matters that  
are within the  
jurisdiction of the  
Board 2-3-103  
M.C.A)  
6:05 PM*

**DISCLOSURE OF**      None  
**ANY CONFLICT**  
**OF INTERESTS**  
**6:05 PM**

**ROCKIN' ROYS**      A zone change and a neighborhood plan amendment request from APEC, on  
**RENTALS, LLC**      behalf of Rockin' Roy's Rentals, LLC for property in the Evergreen Zoning  
**(FZC-20-04)**          District. The proposal would change the zoning on property located at 348  
**6:05 PM**              Mountain View Drive, Evergreen, MT from R-2 (*One-Family Limited  
Residential*) to RA-1 (*Residential Apartment*). The total acreage involved in the  
request is approximately 1 acre.

**STAFF REPORT**      Erik Mack reviewed staff report FZC-20-04 for the board.  
**6:06 PM**

**BOARD**                  Larsen questioned Finding #8 stating that *The proposal does not appear to be  
QUESTIONS*              compatibility with the City of Kalispell's urban growth because the City designates the  
**6:08 PM**              property 'Urban Residential' and the proposed zoning would allow for residential  
development that exceeds 12 dwelling units per acre.

Staff explained that he was looking at the Kalispell growth policy map, which showed it as urban residential, and explained that the RA-1 would allow for more. They could probably get up to 28 units on 1 acre (if all parking requirements were met). The subject property was not within the annexation policy boundary for the City of Kalispell.

Larsen asked about spot zoning with it being high density in an R-2. Staff said it was not considered spot zoning when looking at Evergreen. The subject property was surrounded by R-2 with the nearest RA zoning being less than a ½ a mile away. There was R-3 to the south and west. There was B-2 on the highway, which also allowed for multi-family residential. Even though this property was in the middle of an R-2 zone, there was R-5, RA, and B-2 zones, which allow for similar density, nearby.

Adams wondered what the expected number of units per acre would be when the project was completed. Staff said, when they first met, it sounded like they were only going to put a couple of duplex units (4 units) on the lot. Adams didn't know if the property would accommodate as much as they were proposing.

**APPLICANT  
PRESENTATION  
6:14 PM**

Tamara Tanberg with APEC Engineering, 75 Somers Rd., represented the applicants. They had tried to work out parking but there was no way that they could get that much parking on the lot, which is why the density would be only several duplex units.

**BOARD  
QUESTIONS  
6:15 PM**

Sirucek clarified with Tanberg that her clients were intending on 6 units (or 3 duplexes). Tanberg confirmed that was correct.

**AGENCY  
COMMENTS  
6:16 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
6:17 PM**

Mark Chitwood, 337 Mountain View Dr., spoke in opposition of the application and had a couple of questions about the application. He wondered what the purpose for the rezoning the property was. He wondered if there were any impact studies done. Staff replied the reason for rezoning, as stated on the application, was to create more density and add more affordable housing/rental units that is convenient to schools, employment, and services. Staff was not aware of any impact studies completed as there were not any in the application. Tanberg said they had looked into the statutory criteria impact. Tanberg said that the owner would like to start from scratch and intended to tear down [what was presently there] to start over. Chitwood stated he was concerned about the decrease in property value.

Michael Albertus, 340 S Mountain View Dr., spoke in opposition of the application. He felt that putting in apartments was really out of place. He was concerned because he presently had good neighbors and a good neighborhood.

He did not feel it was right to change the zoning. He was concerned over the safety of it being a dead end street. Mack addressed the concern over density and said they would not be able to meet the parking requirements and therefore there would only be a few duplexes. It would add less than 60 vehicle trips per day on that road. The increase in traffic from 3 duplexes would not be as much as it would be for an apartment complex, which did not seem feasible on this property. Albertus reiterated he was concerned for safety due to it being a dead end street. He was also concerned that they were going to start from scratch and they would be losing two good neighbors in order to get [duplexes].

Deana Wilson, 23 Semper Fi Way, spoke in opposition of the application. She wondered how large each unit would be and also if they would have any parkland for the children to play. She was concerned over the increase of traffic. She wanted to know if it was going to be geared more towards families or singles. Tanberg answered her question by explaining there wasn't a lot they put on the property more than the 3 duplexes. They did not have any details as to how large (i.e. how many bedrooms) each unit would be.

**STAFF  
REBUTTAL/  
COMMENTS  
6:30 PM**

None

**APPLICANT  
REBUTTAL/  
COMMENTS  
6:30 PM**

None

**BOARD  
QUESTIONS  
6:31 PM**

Adams questioned why the applicant had chosen RA-1. Tandberg replied that they wanted to be able to do at least two or three duplexes. Adams wanted that clarification because when people say RA-1, they automatically assumed apartment complexes.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FZC-20-04)  
6:32 PM**

Stevens made a motion, seconded by Sirucek, to adopt staff report FZC-20-04 as findings of fact.

**BOARD  
DISCUSSION  
6:33 PM**

None

**ROLL CALL TO  
ADOPT F.O.F.**

Motion was passed unanimously on a roll call vote.

(FZC-20-04)  
6:33 PM

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC-20-04)  
6:34 PM**

Stevens made a motion, seconded by Lake, to recommend approval of FZC-20-04 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:35 PM**

Stevens reiterated that he supported affordable housing if the opportunity arose; particularly if it had access to public sewer and water and was within close proximity to school, services, and shopping. He was in favor of the proposal.

Sirucek said he was torn on the proposal. He was in favor of the opportunity for affordable housing but at the same time he empathized with the neighbors and understood the frustration for those who had bought in to an established subdivision, that they thought was fixed, to find out that it might change.

Larsen understood the desire for affordable housing but said the thing that they had to look at was that there were already two houses [on the property]. If they could fit three duplexes, which would be the maximum, they would only be adding 4 individual units. He felt they would be pretty affordable and was going to support the proposal. People were always trying to get affordable housing in the area but meet opposition. He felt if it was next to municipal water, with fairly decent (albeit not always perfect) infrastructure, he felt it was something he could support.

Adams said he was in the same boat. He was hesitant with the zoning being RA-1 but understood what they were trying to accomplish. If they were to go with any other zoning, they would not be able to get the three duplexes. Being that it was three duplexes, and not a 26 unit apartment complex, he felt it would be a good fit for the area and not an excessive amount of houses crammed onto an acre.

Adams comment brought up a question for Larsen, who asked if they would have to meet certain criteria for development. Staff discussed requirements that would have to be met (.i.e. parking requirements).

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-20-04)  
6:41 PM**

The motion passed unanimously on a roll call vote

**RIDGEVIEW**

A request by Louwania Pickavance for preliminary plat approval of Ridgeview

**PARK**  
**(FPP-20-04)**  
**6:42 PM**

Park, a proposal to create five (5) commercial lots on approximately 5.31 acres. The subdivision will be served by Bigfork Water & Sewer District. Access to each lot would be off Ridgeview Parkway via Highway 82.

**STAFF REPORT**  
**6:43 PM**

Erik Mack reviewed staff report FPP-20-04 for the board.

**BOARD**  
**QUESTIONS**  
**6:47 PM**

Larsen asked about the amendments that BLUAC had suggested.

Sirucek had a problem with Finding #1 that stated, "subject property has not been historically used for agriculture." His family had farmed that property, many years ago, until it was subdivided. It had been used for agriculture, up until approximately the mid 1980's, and then was subdivided. He said Finding #1 was not accurate as stated. Mack said he was not aware of that, as he was not in the area in the 80's, and was something they could definitely change.

**APPLICANT**  
**PRESENTATION**  
**6:48 PM**

Mark Herman with Glacier Sotheby's International Realty, 480 Electric Ave, represented the applicants. They were in agreement with the staff report. He said this had gone through preliminary plat in 2006. The owner's husband had passed away, along with being in an economic recession, and the subdivision was not a priority at that time. Now the owner was looking to retire, sell the bowling alley, and had buyers interested in the lots. She was wanting to pick up where they had left off and complete the process.

**BOARD**  
**QUESTIONS**  
**6:49 PM**

None

**AGENCY**  
**COMMENTS**  
**6:49 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC**  
**COMMENT**  
**6:49 PM**

Kirt Taylor, 405 Swan River Rd, asked what it was currently zoned and what were the allowable uses. Staff explained.

Lynn Taylor, 405 Swan River Rd, asked if they knew what kind of businesses were going to be there. She also wondered how large the acreage was.

Herman said they had a bit of interest in the property and that all businesses would comply with the zoning (i.e. batting cages, pickle ball, a bank, an office space).

**STAFF**  
**REBUTTAL/**  
**COMMENTS**

None

6:53 PM

**APPLICANT  
REBUTTAL/  
COMMENTS**

None

6:53 PM

**BOARD  
QUESTIONS**

None

6:54 PM

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-20-04)**

Sirucek made a motion, seconded by Horn, to adopt staff report FPP-20-04 as findings of fact.

6:54 PM

**BOARD  
DISCUSSION**

Adams asked if they were going to address the BLUAC proposed changings to the findings.

6:54 PM

Adams addressed Finding #1 and asked if Sirucek wanted to address his concern. Sirucek said that they could.

**MOTION TO  
AMEND  
FINDING #1**

Sirucek motioned, seconded by Adams, to amending Finding #1 by removing the word “not” so that it states:

6:54 PM

1. *There would be no impact to agriculture and agricultural water user facilities because the subject property has ~~not~~ been historically used for agriculture...*

**BOARD  
DISCUSSION**

None

6:57 PM

**ROLL CALL TO  
AMENDING  
FINDING #1**

Motion passed on a 5-1 roll call vote. Stevens dissented.

6:57 PM

**MOTION TO  
AMEND  
FINDING #1**

Larsen motioned, seconded by Lake, to amending finding #1 by removing the word “there” so that it states:

6:58 PM

1. *There would be no impact to agriculture and agricultural water user facilities because the subject property has ~~not~~ been historically used for agriculture and ~~there~~ is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any existing irrigation agreements.*

**BOARD  
DISCUSSION**

None

6:58 PM



**ROLL CALL TO  
AMENDING  
FINDING #1  
6:58 PM**

Motion passed unanimously on a roll call vote.

**BOARD  
DISCUSSION  
6:59 PM**

Larsen asked Adams if he wanted to make a motion on Finding of Fact #4, as recommended by BLUAC. Adams said he had read through the recommendation and it appeared BLUAC wanted to make sure they had a completed approach permit and Adams felt they could just add that in.

**MOTION TO  
AMEND  
FINDING #4  
6:59 PM**

Larsen motioned, seconded by Sirucek, to amending finding #4 as recommended by BLUAC to state:

4. *The road system appears to be acceptable with the standard conditions as the primary access would be from Highway 82 onto the previously built road, each lot has legal access, the applicant has provided a road user agreement and physical access from Ridgeview Parkway which complies with the Flathead County Road and Bridge Department Minimum Standards for Design and Construction and impacts to the existing transportation network are anticipated. The 2008 completed approach permit from the Montana Department of Transportation stated a review would be required based on the types of businesses. As this will be a change in use of an existing access the owners will need to obtain a new approach permit approved by the MDT. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses. If the volume of vehicles per hour is high enough, then the approach permit will go through MDT's systems impact analysis in Helena. A Traffic Impact Study may be required to determine if mitigation is needed for traffic impacts to adjacent highways.*  
[Conditions 4]

**BOARD  
DISCUSSION  
7:00 PM**

None

**ROLL CALL TO  
AMENDING  
FINDING #  
7:00 PM**

Motion passed unanimously on a 5-0 roll call vote. Stevens was absent at the time due to a dropped call.

**BOARD  
DISCUSSION  
7:01 PM**

Adams wondered if they should discuss condition #19 but then realized that it was a condition and Larsen said they would discuss it during the recommendation for the subdivision.

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-20-04)  
7:03 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION**

Sirucek made a motion, seconded by Horn, to recommend approval of

**TO  
RECOMMEND  
APPROVAL  
(FPP-20-04)  
7:03 PM**

FPP-20-04 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
7:04 PM**

Adams wondered if Condition #19, as suggested by BLUAC, was something the applicant was going to have to do anyway. Mack said an approach permit would be a requirement before they could have final plat. Adams wondered if it was necessary to put into the conditions. Mack replied it did not matter either way.

Larsen it was a good condition to have in there.

**MOTION TO ADD  
CONDITION #19  
7:06 PM**

Adams motioned, seconded by Sirucek, to add condition #19 as proposed by BLUAC to state:

*19. The proposal generally complies with the Flathead County Growth Policy, neighborhood plan and the zoning regulations because the commercial lots are located within the B-3 which has no applicable minimum lot size or lot width, and the proposal conforms to the regulations used in the review of subdivision in Flathead County.*

**BOARD  
DISCUSSION  
7:06 PM**

None

**ROLL CALL TO  
ADD  
CONDITION #19  
7:06 PM**

The motion passed unanimously on a roll call vote.

**BOARD  
DISCUSSION  
7:06 PM**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-20-04)  
7:07 PM**

The motion passed unanimously on a roll call vote

**SUBDIVISION 294  
(FPP-20-03)  
7:08 PM**

A request by Jeremy & Jennette Peterson with technical assistant from Sands Surveying, Inc. for preliminary plat approval of Subdivision 294, a proposal to create two (2) lots intended for residential use on 4.996 acres. The applicant is proposing individual septic and a shared well. The property is located at 195 Wintercrest Drive, Kalispell MT.



**STAFF REPORT**  
**7:08 PM**

Erin Appert reviewed staff report FPP-20-03 for the board.

**BOARD**  
**QUESTIONS**  
**7:11 PM**

Sirucek questioned if there was any maintenance agreement on the road. Staff said the history of development on Wintercrest Drive was comprised of quite a few family transfers so no road maintenance agreement had been required to date. Sirucek wondered how many residents shared the road. Staff said there were roughly about 19 dwellings and 24 lots. Sirucek felt that it was problematic that there was no one responsible for the road.

Larsen questioned how they had stated in the variance they would do dust abatement for two years and wondered what they would do after the two years were completed? Staff said it was her understanding they would provide dust abatement for two years and, after that, there would be no dust abatement. The road was not eligible for the dust share program. Staff was not aware of a way to force dust abatement.

**APPLICANT**  
**PRESENTATION**  
**7:15 PM**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicant. They concurred with everything that was in the staff report. Staff had brought up the point that the client was not eligible for the cost share program because Wintercrest Dr. was a private road and not a county road. If the variance was not acquired, they would be required to pave 119' of the road up near Whitefish Stage. He discussed people having already done some work on the road, including the applicant. What they were proposing, with the variance, was that [the applicant] would dust abate the road for two years and hopefully generate a little interest in participating with a road maintenance agreement. For them to be required to get 19 people to agree to a road maintenance agreement would be a condition that they [could not meet]. There was no way. The people would have to come in voluntarily. That was why they were requesting a variance to the pavement and the variance to the road maintenance agreement.

He also pointed out that Condition #20b came from the Glacier International Airport and was regarding setback height ratio. The subdivision was 12,350 ft. from the edge of the runway, and if they used that ratio, they could build a building that was 123' tall. Zoning only allowed them to go to 35' height, therefore, they would never exceed the height restriction that was put in place by the federal airport authority. They would like that condition stricken because it put a cloud on the title of the lots that would be created. There would be no danger. The applicant was doing the subdivision so he could build a house for his aunt and uncle to live next door.

**BOARD**  
**QUESTIONS**  
**7:19 PM**

Sirucek asked Mulcahy to comment on his concern he had brought up prior; the area continued to be subdivided with no road improvements or systematic process to maintain the roads. Sirucek felt that the commissioners needed to ask for some kind of community project to put something in place. He felt the

problem would continue to get larger and larger with the continuation of more subdivisions being put in. Mulcahy understood the concern but, since the county did not accept any new roads, they did not have the ability to turn it into a county road even if they petitioned the county. They had a property that was zoned for a ½ acre lot and they had 5 acres in which they wanted to create a lot for their in-laws. There was a road which was not a *bad* road. He objected to the letter saying it was a dangerous road. He did not drive it every day but it seemed like a pretty quiet neighborhood, where the people tried to take care of the road themselves, even though they did not have a formal agreement. To try to force 19 people in to an agreement would only be problematic and would never happen.

**AGENCY  
COMMENTS**  
7:23 PM

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT**  
7:23 PM

None

**STAFF  
REBUTTAL/  
COMMENTS**  
7:23 PM

None

**APPLICANT  
REBUTTAL/  
COMMENTS**  
7:23 PM

None

**BOARD  
QUESTIONS**  
7:23 PM

None

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-20-03)**  
7:24 PM

Sirucek made a motion, seconded by Lake, to adopt staff report FPP-20-03 as findings of fact.

**BOARD  
DISCUSSION**  
7:24 PM

None

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-20-03)**

Motion was passed unanimously on a roll call vote.

**7:24 PM**

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-20-03)**

**7:25 PM**

Lake made a motion, seconded by Adams, to recommend approval of FPP-20-03 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
7:25 PM**

Adams wanted to address the issue of condition #20b and wondered if now was the time to make a motion to have it removed.

**MOTION TO  
REMOVE  
CONDITION #20b  
7:26 PM**

Adams motioned, seconded by Sirucek, to remove condition #20 part b from the conditions of FPP-20-03.

**BOARD  
DISCUSSION  
7:26 PM**

None

**ROLL CALL TO  
REMOVE  
CONDITION #20b  
7:27 PM**

Motioned passed unanimously on a roll call vote.

**BOARD  
DISCUSSION  
7:27 PM**

Larsen questioned if they needed to vote separately for the variance approval. Staff said they did need to make a separate motion for approval of the variance.

**MOTION TO  
APPROVE THE  
VARIANCES  
7:29 PM**

Stevens motioned, seconded by Sirucek, to recommend approval of the variances.

**BOARD  
DISCUSSION  
7:29 PM**

None

**ROLL CALL TO  
APPROVE THE  
VARIANCES  
7:30 PM**

The motion passed unanimously on a roll call vote

**BOARD  
DISCUSSION  
7:30 PM**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-20-03)  
7:31 PM**

The motion passed unanimously on a roll call vote

**NORTH LAMB  
LANE  
(FPP-19-12)  
7:31 PM**

A request by C.R.O.W. LLC with technical assistance from A2Z Engineering and Sam Cordi Surveying for preliminary plat approval of North Lamb Lane Subdivision, a proposal to create six (6) residential lots on approximately 15.2 acres. The subdivision will be served by shared septic and wells. Access would be off Lamb Lane via Karrow Avenue. The property is located at 1545 Karrow Avenue, Whitefish, MT.

**STAFF REPORT  
7:32 PM**

Erik Mack reviewed staff report FPP-19-12 for the board. Staff also read all comments received after the board had received their packets.

**BOARD  
QUESTIONS  
7:55 PM**

Larsen addressed some of the public comments and wondered if it met the definition of a cluster development. Staff said that it did meet the cluster requirements in the zoning regulations and have already gotten approval from the BOA for clustering.

**APPLICANT  
PRESENTATION  
7:56 PM**

Jake Christensen and Yvonne May were the applicants. They were not aware of the public comments received. They mentioned they lived across the way from the proposed subdivision. Their intent for the subdivision was to create a subdivision that reflected light impact and community centeredness; doing it through the cluster home idea and to create a more public open space as things became developed. The CCandRs restricted maximum house size so that they did not end up with large second homes, which would require higher energy codes. They were trying to do a subdivision that respected the rural feel on Lamb Lane and Carol Ave. because that was where they lived as well.

Christensen responded to some of the comments that were read. The density of the property was remaining the same. He explained the details of what they had planned. He explained the idea behind the additional dwelling unit (ADU) and the allowable uses with the appropriate permitting. They were putting a restriction on the open space through the CCandRs so that it would always stay an open space and HOA owned. They wanted to keep the woodland area protected. They had gotten the waiver through the DEQ because the existing well's 100' buffer zone bumped into Carol Avenue. The 2012 Traffic count for Carol Ave. was the most recent they could find. He understood the priority of the natural environment of the area and said they were addressing this by restricting the building envelope and restricting lawn sizes. They wanted to keep it a more native subdivision. The weed abatement plan was approved by the county and they had started that last spring by hand picking and cutting. They adopted some of the suggestions made by the Fish, Wildlife, and Parks into their CCandRs. He also addressed some of the concerns that was brought

up by Mayre Flowers's comment and said his engineer was available for questioning as well.

Matt Nerdig with AtoZ Engineering, 138 E Center St Ste A., was the engineer on the project and explained how they have already worked through a portion of its DEQ approval prior to coming to the Planning Board because of the property's close proximity to the City of Whitefish's existing water means. They had to go through the waiver process to verify that it met the requirements for a waiver. They also went through the nondegradation review by MDEQ. Both the waiver and the nondegradation calculations were approved at this time in order to make sure that they addressed ground quality issues as well as to make sure that the septic could be permitted in regards to nondegradation and trigger value calculations. There were no mapped wetlands on the property. There was an adjacent lower area that did flow water but was below any of the proposed area for development. The water system would use a multi-user well, which was an existing well. The 100' control, or protection zone, around the well did extend into the county road and 4' onto the neighbor properties on the other side of the road. They received approval from MDEQ for that control zone and did not require an easement on it. That variance went through and verified that the confining layers that were present, due to a high amount of clay, and the location of the aquifer that they would be pulling from, were protected from any adjacent uses; such as agricultural uses across the road or uses of the county road right-of-way. This would protect the road from contamination. He continued to discuss the project in great detail.

**BOARD  
QUESTIONS  
8:06 PM**

None

**AGENCY  
COMMENTS  
8:07 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
8:07 PM**

Maria Rosetti, 1530 Karrow Ave, wondered if the existing septic and well system could handle up to twelve families.

Nerdig addressed the concern over the ADUs on the properties by explaining that they kept the permitted ADUs in mind when designing. The owner restricted the size of the ADUs allowed which are addressed in the covenants. They would be intended as guest houses, or an additional unit, but would be very small in size.

Christensen said they were restricting the ADU to a 700 sq ft. footprint.

Rosetti spoke in opposition of the application and said it would really change the flavor of the neighborhood if there was going to suddenly be 12 units there



and they are no longer on 2.5 acres.

**STAFF  
REBUTTAL/  
COMMENTS  
8:10 PM**

None

**APPLICANT  
REBUTTAL/  
COMMENTS  
8:11 PM**

Nerdig had one additional comment to add. He explained the idea behind ADUs being that the zoning in the area allowed for it. Even though they had switched to the cluster housing, they were still trying to follow within the zoning restrictions of the R 2.5 zoning and guidelines.

**BOARD  
DISCUSSION  
8:11 PM**

Larsen said that had received some pretty extensive comments [earlier this evening]. Although they had been reviewed from staff, they did not have a chance to really review them [for themselves]. The comments were generally saying that a lot of things had not been addressed. He felt most of the concerns had actually been addressed because it was a pretty extensive process to go through the application process for a subdivision as this. He felt that, though the public hearing had been closed, it would be best to table the file to give them time to review and address some the things that were allegedly not addressed (i.e. floodplain, traffic). He wanted staff to put together something that would address these things. He wanted to take the time to really make sure everything was addressed and felt it was important in light of the fact they had gotten so much information last minute.

Stevens wondered if we would run in to any timeline conflicts and wondered if tabling it would even be an option.

Mack said that the deadline was the 26<sup>th</sup> (of May). It was originally supposed to be heard last month but had been delayed due to the corona virus pandemic. Because of the pandemic, the governor made all statutory timelines suspended until the state of emergency has been lifted.

Stevens said that it seemed like statutory limitations had been told for the period. He liked the suggestion [to table] and felt that it would be beneficial to everyone involved to proceed that way. He felt that it would be beneficially to the applicant to take the time to review the comments to see where they may be right and where they may be wrong. He wondered if the applicant could agree to waive their statutory right, even though it appeared that their statutory rights were suspended for the time being.

Mack said that the applicant could make a statement that they wanted to do that.

Stevens understood how the applicant might not want to postpone because they have had postponed numerous times. He was nervous about tabling it if it did not meet the deadlines.

Larsen asked the applicants if they would mind [tabling it]. He felt it was in the applicant's favor to do so. He did not want to set them up for a lawsuit if these things could be addressed ahead of time.

May asked what the questions were specifically. They had a letter from Marc Pittman that stated there were no mapped floodplain on the properties and therefore had no issues.

Larsen wanted to address the comments from the attorney and Flowers [received this evening]. He had not had the time to adequately read the concerns in detail. May said they had not received those either. Larsen explained that there had been times past where they did not have adequate time to review a letter and that gave grounds for them to be sued. He did not want that to happen.

Stevens understood [the applicants] reluctance to table for another month. He said the alternative was that they could proceed and forward it, because it had gone through the appropriate process, but also understood the chairman's concern. It would be nice to have all issues addressed; it would help the Commissioners, the applicants, and the public if the concerns were addressed. It was ultimately up to the applicants though.

May said it was difficult to [want] to delay it any further. This had been the third reviewer on the project due to personnel change. She wondered if it had to be a whole month or if it could be reviewed sooner being that it was extenuating circumstances.

Mussman reiterated that all things would be considered at the commissioner level as well. He said Larsen also made a really good point of wanting to forward a good solid recommendation. He understood the applicant's desire to move forward but felt that tabling this, until the June meeting, would be the most appropriate course of action at this time.

Mussman discussed the complication of putting together another meeting last minute; we did not have a venue option with the election coming up, we would have to work around the reopening of Montana phasing directive from the governor, and things would have to be appropriately noticed.

Sirucek wondered if Mack was going to put together an addendum that would address the various points of concern. Mussman said it depended on the nature of the comments and if the findings needed to be changed.

Stevens said the problem with an addendum to the staff report was that there would need to be enough time for the people who objected to the project to review it and comment on that.

Mussman said if it was tabled to the June meeting, there would be the time and opportunity to review any updates and addendums as well as additional

comments. Others would have the ability to make additional comments as well.

Stevens said it looked like they could forward it with a recommendation and let the Commissioner's deal with it but agreed with Larsen that they had the experience on the board and it would be beneficial to everyone if the board could take some more time with [this file].

Larsen said he did not want an updated addendum or another public hearing. He wanted to take the comments and review them in light of what had been submitted. He believed those things had been addressed and did not want to open up a public hearing again. He wanted to table it to next month, have the staff look at it, the board look at it, and then come back to have a discussion and go through each of those concerns to address them. He did not want a new staff report. He did not want another public hearing. It had been closed. They had the information, he just wanted the time to look at all of it further. He had seen lawsuits claiming the planning board had not considered the comments and he wanted to make sure they took the time to consider.

Mussman addressed that the applicant was in the same position as the planning board [being that they did not have adequate time to review the comments]. In June, the applicant and staff would be able to comment and rebut anything that was mentioned in the public comments. The public hearing was closed but they would generally have a chance to rebut once the public hearing had been closed anyways.

Larsen agreed and acknowledged that the staff and applicant had put together the application, which the comments stated were not adequately done, and therefore they should be able ask questions of the staff and the applicants to help address those things.

Christensen said he wanted to make sure that it was done right. He agreed with Larsen that, as long as the public hearing was not extended, and they were just able to address the public comments received, he felt it was the right thing to do.

Stevens said that made sense to him. During board discussion they had the discretion to ask questions and felt that they could do that. It sounded like the applicant was in agreement to table it until the June meeting.

**MOTION TO  
TABLE UNTIL  
JUNE 10, 2020  
FCPB MEETING  
(FPP-19-12)  
8:34 PM**

Larsen made a motion, seconded by Stevens, to table FPP-19-12 until the June 10, 2020 meeting. Public hearing had been closed.

**ROLL CALL TO  
TABLE UNTIL  
JUNE 10, 2020  
FCPB MEETING  
(FPP-19-12)  
8:34 PM**

Motion was passed unanimously on a roll call vote.

**CALURS TEXT  
AMENDMENT  
(FZTA-20-02)  
8:36 PM**

A request by Theodore Chase for a zoning text amendment to the Canyon Area Land Use Regulatory System (CALURS). The proposed amendment would add an additional region to Section 4.1(F)(2) called Summit Area. The proposal will also add a definition of Summit Area to Chapter 7, Definitions. The proposed Summit Area can be described as Tracts 1 and 37 of HES 1266 Exchange Survey in Section 1, Township 29 North, Range 14 West, P.M.M. Flathead County, Montana.

**STAFF REPORT  
8:36 PM**

Mark Mussman reviewed staff report FZTA-20-02 for the board.

**BOARD  
QUESTIONS  
8:39 PM**

Sirucek asked if it was spot zoning and needed to be reviewed. Mussman replied that it was a text amendment and would not require any spot zoning analysis. This application was to add the summit area to the upper canyon region. It would still be zoned as Summit Area.

**APPLICANT  
PRESENTATION  
8:40 PM**

Ted Chase was the applicant. He did not have a presentation for the board but explained his intent. They had purchased the property in 2013. They have an extremely short season [4 months] of renting cabins in order to help make a living. They wanted to make some revenue from selling off some of their land while still having a minimal impact to the area [i.e. wildlife]. Their closest neighbors were about 7 miles each direction. They lived there year-around and were looking for possible avenues for revenue while keeping their small footprint, happy lifestyle, and have some company throughout the season. They had received approval from DEQ that they could not add anymore septic but they had a lot more availability already in place. They have a private well. They were environmentally conscious since they were near the wildlife corridor. They had thought about selling off around 5 single dwelling cabins in the future, if they needed to, but they were currently only intending to sell 1 cabin that would be connected to the current sewer and well.

**BOARD  
QUESTIONS  
8:44 PM**

None

**AGENCY  
COMMENTS  
8:44 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
8:45 PM**

None

**STAFF  
REBUTTAL/  
COMMENTS  
8:45 PM**

Mussman mentioned that he had been told by Chase that there was very limited area, within the 30 acres, in which they would be able to develop because of the physical characteristics of the property. Staff recommended approval and now it was up to the planning board to pass on a recommendation.

**APPLICANT  
REBUTTAL/  
COMMENTS  
8:45 PM**

None

**BOARD  
QUESTIONS  
8:46 PM**

None

**MAIN MOTION  
TO ADOPT F.O.F.  
(FZTA-20-02)  
8:46 PM**

Sirucek made a motion, seconded by Horn, to adopt staff report FZTA-20-02 as findings of fact.

**BOARD  
DISCUSSION  
8:46 PM**

None

**ROLL CALL TO  
ADOPT F.O.F.  
(FZTA-20-02)  
8:47 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZTA-20-02)  
8:47 PM**

Sirucek made a motion, seconded by Adams, to recommend approval of FZTA-20-02 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
8:48 PM**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZTA-20-02)  
8:48 PM**

The motion passed unanimously on a roll call vote



<b>KALISPELL AND C'FALLS MASTER PLAN (FPMA-20-01) 8:49 PM</b>	A request by the Flathead County Planning Board for an amendment to the Flathead County Growth Policy, specifically to rescind the Columbia Falls City-County Master Plan, adopted on August 26, 1984 and the Kalispell City-County Master Plan, adopted on February 6, 1986. These master plans were made part of the Flathead County Growth Policy on March 19, 2007.
<b>STAFF REPORT 8:50 PM</b>	Mark Mussman reviewed staff report FPMA-20-01 for the board.
<b>BOARD QUESTIONS 8:52 PM</b>	None
<b>AGENCY COMMENTS 8:53 PM</b>	There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.
<b>PUBLIC COMMENT 8:53 PM</b>	None
<b>APPLICANT REBUTTAL/ COMMENTS 8:54 PM</b>	Mussman said that he had notified the City of Columbia Falls and the City of Kalispell and neither had any issue with this proposal.
<b>MAIN MOTION TO ADOPT F.O.F. (FPMA-20-01) 8:55 PM</b>	Sirucek made a motion, seconded by Adams, to adopt staff report FPMA-20-01 as findings of fact.
<b>BOARD DISCUSSION 8:55 PM</b>	None
<b>ROLL CALL TO ADOPT F.O.F. (FPMA-20-01) 8:55 PM</b>	Motion was passed unanimously on a roll call vote.
<b>MAIN MOTION TO RECOMMEND APPROVAL (FPMA-20-01) 8:56 PM</b>	Lake made a motion, seconded by Horn, to recommend approval of FPMA-20-01 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
8:56 PM**

Stevens said that the 1986 KCCMP was inappropriate and ill-considered in 1986 and was even-more-so in 2020. He was going to vote for the motion.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPMA-20-01)  
8:57 PM**

The motion passed unanimously on a roll call vote

**BOARD  
DISCUSSION  
(FPMA-20-01)  
8:57 PM**

Mussman noted that the Montana Code required that an amendment to the growth policy also come with a resolution from the Planning Board to The Commissioners. He had the resolution written. He read it into the record. They would vote on it and then stop by the office to sign it.

He read the resolution for the record.

**MOTION TO  
ADOPT  
RESOLUTION  
8:57 PM**

Stevens motioned, seconded by Sirucek, to adopt the resolution as read by staff.

**BOARD  
DISCUSSION  
9:01 PM**

None

**ROLL CALL  
9:01 PM**

Motion passed unanimously on a roll call vote.

**OLD BUSINESS  
9:02 PM**

Sirucek asked if the board secretary could print out a copy of all the comments received for the [Lamb Lane Subdivision]. He suggested that the board members could sign off on the resolution at the same time they pick up the comments. Staff agreed and they discussed logistics.

**NEW BUSINESS  
9:04 PM**

None

**ADJOURNMENT  
9:04 PM**

The meeting was adjourned on a motion by Sirucek and Larsen at approximately 9:04 p.m. The next meeting will be held June 10, 2020.



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6/10/20